

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE

)  
FIFTH THIRD BANK, )  
v. Plaintiff, ) CASE NO. 3:11-1073  
RANDALL JAMES HOFFMAN, ) JUDGE HAYNES  
Defendant. ) MAGISTRATE JUDGE BRYANT  
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)

**JUDGMENT**

This matter is before the Court on the *Motion of Fifth Third Bank for Default Judgment Pursuant to Fed. R. Civ. P. 55(b)(2) and Entry of Final Judgment Pursuant to Fed. R. Civ. P. 54* (“Motion”) in which Plaintiff Fifth Third Bank (“Fifth Third”) seeks a default judgment against Defendant Randall James Hoffman (“Mr. Hoffman”) on all counts set forth in Fifth Third’s *Complaint* (Docket No. 1) (“Complaint”).<sup>1</sup> Fifth Third asks the Court to grant the Motion and award it certain relief.

Mr. Hoffman was served with a summons and copy of the Complaint, by and through his attorney Philip G. Young Jr., on November 28, 2011. A return of service for Mr. Hoffman was entered on November 29, 2011. (Docket No. 5.)

Accordingly, and pursuant to Fed. R. Civ. P. 12(a), Mr. Hoffman was required to serve a responsive pleading or answer to the Complaint on Fifth Third on or before December 19, 2011.

To date, Mr. Hoffman has not served Fifth Third or Fifth Third’s counsel with an answer, and Mr. Hoffman has not defended himself against the Complaint.

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<sup>1</sup> Capitalized terms not otherwise defined herein have the same meanings given to them in the Complaint in this case.

As a result of Mr. Hoffman's failure to serve an answer or otherwise defend himself against the Complaint, Fifth Third filed a *Motion for Entry of Default* on January 27, 2012. (Docket No. 10). On February 13, 2012, the Clerk of Court entered Mr. Hoffman's default on the docket. (Docket No. 13.)

The Court finds that Mr. Hoffman is not an infant, incompetent, nor the United States or an agency thereof.

The Court finds that Mr. Hoffman has not objected to the *Motion for Default Judgment* (Docket No. 14.) and the response period has passed.

The Court finds that there is no just reason for delay of entry of a judgment against Mr. Hoffman.

Therefore, Fifth Third is entitled to entry of a judgment against Randall James Hoffman.

**It is therefore ORDERED that:**

- A. The Motion is hereby granted;
- B. Judgment is entered in Fifth Third's favor against Randall James Hoffman for the total amount of Four Hundred Seventy-Six Thousand Nineteen and 72/100 Dollars (\$476,019.72), comprised of: Principal in the amount of Three Hundred Sixty Thousand Two Hundred Forty-One and 70/100 Dollars (\$360,241.70); interest accrued as of April 2, 2012, in the amount of Fifty Three Thousand Six Hundred Thirty-Eight and 49/100 Dollars (\$53,638.49); bank fees in the amount of Fifty and 00/100 Dollars (\$50.00); and attorney fees in the amount of Sixty-Two Thousand Eighty-Nine and 53/100 Dollars (\$62,089.53); and
- C. Execution may immediately issue on the total amount of the judgment.

Date: 3-30-12

  
WILLIAM JOSEPH HAYNES JR.  
United States District Judge